

NEBRASKA ADMINISTRATIVE CODE

TITLE 251, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 4

NEBRASKA DEPARTMENT OF MOTOR VEHICLES

**RULES AND REGULATIONS FOR PROCESSING APPORTIONED VEHICLE
LICENSE PLATES WHICH HAVE CEASED TO BE ACTIVE PURSUANT TO
NEB. REV. STAT. 60-305.16.**

Issue Date: _____

TITLE 251 NEBRASKA DEPARTMENT OF MOTOR VEHICLES

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001 GENERAL.

001.01 Scope. Rules and regulations for processing apportioned vehicle license plates which have ceased to be active pursuant to Neb. Rev. Stat. 60-305.02 through 60-305.17.

001.02 **Definitions.** The following definitions shall apply as used through these rules and regulations. Terms and conditions found in the International Registration Plan shall also be applicable under these rules and regulations pursuant to Neb. Rev. Stat. 60-305.09.

001.02A **Active vehicle** means an apportionable vehicle or any apportioned vehicle unit for which a permanent plate has been issued by the Division which has not been deleted.

001.02B **Apportionable vehicle** means any vehicle used or intended for use in two (2) or more member jurisdictions that allocate or proportionally register vehicles and used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property. Apportionable vehicle does not include any recreational vehicle, vehicle displaying restricted plates, city pickup and delivery vehicle, bus used in the transportation of chartered parties, or government-owned vehicle. Such vehicle shall either (a) be a power unit having two (2) axles and a gross vehicle weight or registered gross vehicle weight in excess of twenty-six thousand (26,000) pounds; (b) be a power unit having three (3) or more axles, regardless of weight; or (c) be used in combination when the weight of such combination exceeds twenty-six thousand (26,000) pounds gross vehicle weight. Vehicles or combinations of vehicles having a gross vehicle weight of twenty-six thousand (26,000) pounds or less and two-axle (2-axle) vehicles and buses used in the transportation of chartered parties may be proportionally registered at the option of the registrant.

001.02C **Deletion** means the removal by a registrant or motor carrier of an active vehicle from a fleet of registered motor vehicles.

001.02D **Department** means the Nebraska Department of Motor Vehicles and the Division of Motor Carrier Services of the Nebraska Department of Motor Vehicles.

001.02E **Director** means the Director of the Nebraska Department of Motor Vehicles or his or her designee and includes the Motor Carrier Services Division of the Nebraska Department of Motor Vehicles.

001.02F **Division** means the Division of Motor Carrier Services of the Nebraska Department of Motor Vehicles.

001.02G **IRP or International Registration Plan** means a reciprocal agreement between member jurisdictions authorized by Neb. Rev. Stat. 60-305.03(2), the purpose of which is to promote and encourage the fullest possible use of the highway system by authorizing apportioned registration of fleets or vehicles, and the recognition of vehicles apportioned in other jurisdictions, thus contributing to the economic and social development and growth of jurisdictions.

001.02H **Loss of possession** means an apportioned vehicle unit is no longer an active vehicle due to fire or theft or because the vehicle was wrecked, junked, or dismantled.

001.02I **Motor carrier** means any individual, firm, partnership, limited liability company, agency, association, corporation, or organization which registers one (1) or more apportionable vehicles or active vehicles pursuant to IRP.

001.02J **Permanent plate** means a plate (or plates) issued to a motor carrier for a specific active vehicle registered pursuant to IRP which may be a truck, truck-tractor, trailer, semitrailer or other apportioned vehicle.

001.02K **Person** means bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint stock companies, and associates as provided in 49-802(16).

001.02L **Registrant** means any person, individual, firm, partnership, limited liability company, agency, association, corporation or organization registering one (1) or more apportionable vehicles or active vehicles pursuant to the IRP.

001.02M **Registered motor vehicle** means an apportionable vehicle or active vehicle registered pursuant to IRP.

001.02N **Transfer of ownership** means the sale of an apportionable vehicle or active vehicle, transfer by operation of law as provided in 60-111, or any time title to the apportionable vehicle or active vehicle has transferred, and includes cancellation or termination of a lease on an apportionable vehicle or an active vehicle by a registrant.

002 REPLACEMENT CREDENTIALS. Any registrant desiring replacement credentials for an active vehicle shall apply to the Division for a replacement credential if lost or in need of correction. Upon receipt of the application for replacement credential/s and payment of the required fees the Division will issue the replacement credentials as requested in the application.

003 DELETION OF AN ACTIVE VEHICLE. REQUIREMENTS. Any vehicle not deleted shall be considered an active vehicle. A registrant of an active vehicle shall be responsible for deletion of any of the registrant's active vehicles which are subject to a transfer of ownership or for any active vehicle for which the registrant has lost possession. The registrant shall:

003.01 Application. Apply to the Division to delete the active vehicle, and

003.02 Return of Credentials. Return the cab card and permanent plate/s for the unit to the Division of Motor Carriers.

003.03 Effective Date. The effective date of the deletion of the active vehicle shall be the date of receipt of the deletion by the Department unless the registrant is also applying credit to the registration of a new vehicle, and temporary authority is issued for the new vehicle, then the effective date shall be the date of the temporary authority.

003.04 Lost, Stolen or Destroyed Credentials. If a registrant is unable to return the cab card or permanent plates for an active vehicle because such credentials have been lost, stolen or destroyed, the registrant shall complete an affidavit which shall be filed with the Division to delete the active vehicle. An affidavit for lost, destroyed or stolen credentials appears as Attachment I of these rules and regulations.

003.05 Registrant May Destroy Permanent Plate. As an alternative to returning a permanent plate to the Division for a deleted active vehicle, the registrant may destroy the permanent plate and file an affidavit (*Attachment I*) with the Department pursuant to 003.04 that the registrant has destroyed the plate and removed the plate from circulation.

004 REFUNDS AND CREDITS. Upon deletion of an active vehicle, and filing an affidavit with or returning credentials to the Division, the registrant may apply for a refund of the registration fee based upon the number of unexpired months remaining in the registration year for that unit.

004.01 No Refund. For any fees paid under section 60-305.16 for permanent plates when such motor vehicle is transferred or lost within the same month as acquired, no refund shall be allowed for such month.

004.02 Form of Refund. A refund may be in the form of a credit against any registration fees that have been incurred or are, at the time of the refund, being incurred by the registered

motor vehicle owner.

004.03 Highway Trust Fund. The registrant may file an application with the Division to delete a registered motor vehicle because the vehicle is disabled and has been removed from service. The registrant may, by returning the registration certificate or certificates and such other evidence of registration used by the Division, or if the credentials are unavailable the registrant may file an affidavit as provided in 003.04 above to receive a credit for the portion of the registration fee deposited in the Highway Trust Fund based upon the number of unexpired months remaining in the registration year. **No credit** shall be allowed for any fees paid under section 60-305.16. When such motor vehicle is removed from service within the same month in which it was registered, no credit shall be allowed for such month. Such credit may be applied against registration fees for new or replacement vehicles incurred within one (1) year after cancellation of registration of the motor vehicle for which the credit was allowed.

004.04 Reregistration. When any deleted vehicle is reregistered within the same registration year in which its registration has been canceled, the fee shall be that portion of the registration fee provided to be deposited in the Highway Trust Fund for the remainder of the registration year.

005 ADDRESS FOR FILING APPLICATIONS AND AFFIDAVITS. The registrant shall file all applications for deletions or replacement credentials or affidavits for lost, destroyed or stolen credentials with the Division by mailing to the Nebraska Department of Motor Vehicles, Division of Motor Carriers, P.O. Box 98935, Lincoln, NE 68509-8935 or by personal delivery during normal business hours to the Department's Division of Motor Carrier Services, 301 Centennial Mall South, State Office Building First Floor, Lincoln, Nebraska.

006 ADDRESS FOR RETURN OF PERMANENT PLATES AND CREDENTIALS. Upon deletion of an active vehicle the registrant shall return the permanent plate and credentials to the Division by mailing to the Nebraska Department of Motor Vehicles, Division of Motor Carriers, P.O. Box 98935, Lincoln, NE 68509-8935 or by personal delivery during normal business hours to the Department's Division of Motor Carrier Services at 301 Centennial Mall South, State Office Building First Floor, Lincoln, Nebraska.

007 LOST, STOLEN OR DESTROYED PLATES. No motor carrier or registrant shall file a false affidavit that plates and/or credentials have been lost, stolen or destroyed upon deletion of an active vehicle from a fleet if such plates and/or credentials have not been lost, stolen or destroyed.

007.01 Duty to Return the Permanent Plate. The registrant or motor carrier deleting an active motor vehicle shall be responsible for the return of the permanent plate to the Division.

007.02 Misuse of a Permanent Plate. If it comes to the attention of the Director from a

law enforcement officer or Department auditor that any person, registrant, or motor carrier has misused or is misusing a permanent plate/s issued to a vehicle which has been deleted, the Director shall:

007.02A Notice. Send written notice to the person, registrant or motor carrier that he or she has been brought to the Director's attention for misuse of a permanent plate. The written notice shall be a bill to the person, registrant or motor carrier for the registration fees due for the deleted vehicle for the registration year. The notice shall be sent to the address of the person, registrant or motor carrier as it appears in the records of the Division and to any other address provided by the law enforcement officer or auditor.

007.02B Calculation of Fee. The registration fee shall be calculated from the date of deletion to the end of the registration year.

007.03 Failure to Respond to Written Notice: If the carrier does not respond to the notice and does not provide a suitable explanation of the alleged misuse or has not paid the registration fees requested in the notice within sixty (60) days of the date of the written notice, the Director shall revoke the registration of any or all active vehicles registered to the person, registrant or motor carrier. Such revocation shall continue until:

007.03A The plate has been returned to the Department or the Department has received suitable evidence that the plate has been destroyed; and

007.03B The registration fees due have been paid in full.

007.04 Reinstatement upon Proof of Compliance. At any point in time, if in the judgment of the Director, the person, registrant, or motor carrier has provided suitable evidence of compliance with the laws for registration of apportioned vehicles, the Director may reinstate the revoked person, registrant, or motor carrier without delay.

007.05 Audit. Any registrant or motor carrier who has been revoked shall still be subject to audit pursuant to the International Registration Plan and the International Fuel Tax Agreement.

007.06 Misuse of a Permanent Plate. Misuse of a permanent plate shall include placing a permanent plate on a vehicle other than the vehicle for which the plate was issued or operating a vehicle on the highways of this state or any IRP member jurisdiction after the active vehicle has been deleted, and not reregistered.

007.07 Report to the Director. A law enforcement officer or Department auditor who becomes aware of possible misuse of a permanent plate shall report the allegation to the

Director on a form developed by the Department. Upon receipt of a report of alleged misuse of a permanent plate, the Director shall send notice as required in 007.02. The report shall include the number of the plate, a brief description of the circumstances of the suspected misuse. The report form is *Attachment II* of these rules and regulations.

008 PERMANENT PLATES ARE NOT TRANSFERABLE. A permanent plate shall be issued to a specific active vehicle solely for use by the person, registrant or motor carrier making the original application for registration of the active vehicle. If the active vehicle is deleted, subject to loss of possession, transfer of ownership, or title has transferred by operation of law, the permanent plate issued pursuant to the original application shall not transfer and shall cease to be active.

009 REGISTRATION AND RENEWAL. Any person or motor carrier engaged in operating a fleet of apportionable vehicles in this state in interstate commerce is subject to registration and annual renewal to register and license such fleet by filing a statement with the Division as provided in 60-305.09 and 60-305.16, and to file supplements upon an addition to such fleet.

Attachments I and II



**AFFIDAVIT FOR LOST, DESTROYED OR STOLEN
CREDENTIALS
DELETED UNITS ONLY**

*Nebraska requires the return of the permanent plate, if you are unable to return the permanent plate. **This affidavit MUST accompany supplement.***

Name of Company _____			
Carrier Account Number _____		Fleet Number _____	
<input type="checkbox"/>	Trailer Unit	Power Unit	
UNIT # YEAR & MAKE	VIN	CGW	PLATE #
			— —

The undersigned hereby states that the permanent apportion plate assigned to the above vehicle has been:

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Lost

Stolen

Destroyed, and will no longer be in use

ONE OF THE ABOVE BOXES MUST BE MARKED OR AFFIDAVIT WILL BE RETURNED

Signature _____

Title

Sworn to before me and subscribed in my presence this _____ day of _____, 20____.

Notary Public

My Commission Expires _____

Motor Carrier Services, PO Box 98935, Lincoln NE 68509-8935; Toll Free 888-622-1222



MISUSE OF PERMANENT PLATE REPORT

To the Director of the Department of Motor Vehicles:

As provided in 251 NAC 4-007.07 and Neb. Rev. Stat. 60-305.16, I am reporting misuse of a permanent plate. I was able to gather the following information:

DATE OBSERVED:	TIME:
LOCATION:	
PLATE NUMBER:	
VEHICLE MAKE AND MODEL:	
VIN:	
NAME OF DRIVER:	
OPERATOR'S LICENSE NUMBER AND STATE OF ISSUANCE:	

IDENTITY OF MOTOR CARRIER / OWNER / REGISTRANT OF THE VEHICLE OBSERVED:	
COMPANY:	
ADDRESS:	_____

BRIEF DESCRIPTION OF THE TYPE OF MISUSE OF THE PERMANENT PLATE AND CIRCUMSTANCES:	
<p>Plate was attached to a vehicle to which the plate was not issued. Plate on vehicle operating on the highways was an inactive plate. Additional comments: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

SIGNATURE:	
LAW ENFORCEMENT AGENCY:	BADGE NUMBER:
DATE:	
CHECK HERE IF REPORTING PARTY IS DEPARTMENT OF MOTOR VEHICLES AUDITOR	

Send this report to: Director
Department of Motor Vehicles
Division of Motor Carrier Services
P.O. Box 98935
Lincoln, NE 68509-8935

Fax Number: (402) 471-4024